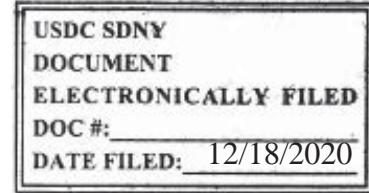


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Dilenia Paguada,

Plaintiff,

—v—

Acme Lumber & Supply Co., Inc.,

Defendant.

20-cv-7702 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On December 17, 2020, the Defendant filed a motion to dismiss. Dkt. No. 16. Pursuant to Rule 3.F of this Court’s Individual Practices in Civil Cases, on or before December 30, 2020, Plaintiff must notify the Court and her adversaries in writing whether (1) she intends to file an amended pleading and when she will do so or (2) she will rely on the pleading being attacked. Plaintiff is on notice that declining to amend her pleadings to timely respond to a fully briefed argument in the Defendant’s December 17, 2020 motion to dismiss may well constitute a waiver of the Plaintiff’s right to use the amendment process to cure any defects that have been made apparent by the Defendant’s briefing. *See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190 (2d Cir. 2015) (leaving “unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility”).

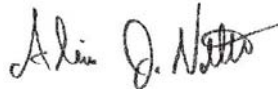
If Plaintiff chooses to amend, Defendant may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that they rely on the initially-filed motion to dismiss.

Nothing in this Order alters the time to amend, answer or move provided by the Federal

Rules of Civil Procedure or Local Rules.

SO ORDERED.

Dated: December 18, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

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ALISON J. NATHAN  
United States District Judge